

# Bill could pull the plug on municipal Internet access

BY JENNA COLLEY  
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Government-provided Internet access may soon be a thing of the past in Texas.

Pending legislation before the 78th Texas Legislature calls for outlawing free or discounted access to the Internet by municipalities.

Spearheaded by private telecommunications companies, the legislation is buried in a 300-plus-page telecommunications bill currently being kicked around by state legislators.

If passed, HB 789 would prevent cities from Abilene to Houston from providing free or discounted Internet access to non-city employees in City Halls, city parks, airports and even city libraries.

Opponents of the bill claim government involvement in providing Internet access is crucial to the economic and educational strength of communities, particularly in poor and rural areas where private telecommunications companies don't typically tread.

"Cities and towns ought to be able to make their own decisions about what will bring economic development to their areas," writes Adina Levin of the Austin-based advocacy group Save Muni Wireless, which is leading the charge against the ban.

HB 789 author State Rep. Phil King, R-Weatherford, argues that cities should not compete with private companies that offer telecommunications services.

The former law enforcement officer contends that clearer lines need to be established, outlining acceptable involvement by municipalities in telecom.

King, who also serves as chairman of the Committee on Regulated Industries, believes appropriate services might include network access in libraries, schools and city buildings.

But the bill's existing language does not clarify those distinctions.

During a Feb. 22 hearing in Austin, King agreed that the bill's language could be tweaked to protect some obviously necessary Internet uses such as in public libraries.

Opponents of the bill say it should be defeated altogether if municipalities are to be protected.

"What people don't realize is that this kind of legislation, once it becomes law, can be manipulated," says David Deans, founder of Austin-based nonprofit Economic TeleDevelopment Forum. "The best way to resolve the issue is to have the language stricken entirely."

Deans says the proposed ban has prompted a rush by municipalities across the state to implement a public Internet program in hopes of being grandfathered.

He believes that banning municipal involvement in Internet access — either through public buildings or through "hot spots" around a city where free or inexpensive wireless services can be accessed by laptop users — doesn't bode well for future economic development in Texas cities.

"If these laws do continue to pass around the country, it will create an interesting dilemma for companies looking to locate their business in a state," Deans says. "We might find at some point that a company would rather relocate to another city or town where the environment is conducive to facilitating a global network economy."

"In other words, a forward looking com-

munity — not the telecom backwaters."

## BY THE BOOK

While existing Internet services like those in the city's public libraries are likely to be protected through a grandfather clause in the bill, future telecommunications enterprises are in jeopardy.

Houston has yet to implement a city-wide Internet program, but city technology officials have tossed around the idea of creating "hot zones" around the city controlled by a wireless Internet provider.

Other Texas cities have already taken the lead in offering WiFi services: Corpus Christi launched a program covering 147 square miles, while wireless Internet is accessible in some Austin city parks.

One local program that could be hamstrung by the ban involves Houston-based nonprofit Technology for All,



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which recently partnered with Rice University and the City of Houston to provide wireless Internet access to the Pecan Park neighborhood.

Under the agreement, TFA serves a 1.6-square-mile area of the neighborhood with free or discounted high-speed Inter-

net access, a service that is beyond the financial reach of most in the community.

The municipal role in this scenario stems from allowing TFA and Rice to set up wireless high-speed Internet access in the Melcher Branch of the Houston Public Library.

TFA President and CEO Will Reed says the legislation is exclusionary.

"It essentially limits who can play in the sand box," he says. "Public/private partnerships that serve the public good are a good thing."

"Our particular project does serve the public good. We are not going to compete with SBC and Time Warner Cable. We are intending to serve part of the population that is not a target for these companies," he says.

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